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Attorneys for Defendant
NITEK International, LLC.

UNITED STATES DISTRICT COURT

IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

NETWORK VIDEO TECHNOLOGIES, INC.,)	Case No. C 08 2208 MHP
)	
Plaintiff,)	DECLARATION OF ROBERT S.
)	NIEMANN IN SUPPORT OF
v.)	ADMINISTRATIVE MOTION TO SET
)	NITEK'S MOTION TO DISMISS
NITEK INTERNATIONAL, LLC and DOES 1-)	UNDER F.R.C.P. 12(B)(1)
10)	
)	
Defendant.)	

I, Robert S. Niemann, declare as follows:

1. I am an attorney with the firm of Seyfarth Shaw LLP, counsel for Defendant Nitek International ("Nitek") in the above-captioned matter. I submit this declaration in support

1 of Nitek's Administrative Motion to set Nitek's Motion to Dismiss under F.R.C.P. 12(B)(1) for
2 July 28, 2008 in advance of the Case Management Conference currently scheduled for August
3 18, 2008.

4 2. Seyfarth Shaw acts as counsel for Nitek in this case and has associated two other
5 Seyfarth Shaw partners from its Chicago and Boston Offices. (Attorneys George Gerstman from
6 Chicago and Brian Michaelis from Boston will be applying for admission to this court *pro hac*
7 *vice* in the very near future.

8 3. Nitek's counsel agreed with counsel for Plaintiff Network Video Technologies
9 ("NVT") that we would file a responsive pleading to the present complaint on or before Monday,
10 June 9, 2008. Based on the circumstances where a previous identical lawsuit had been filed,
11 dismissed and is now on appeal, Nitek has chosen to file a Motion to Dismiss Under F.R.C.P.
12 12(B)(1).

13 4. Pursuant to Judge Patel's Standing Order No. 4, no motions to dismiss can be
14 filed prior to the initial Case Management Conference without leave of Court. Nitek has filed a
15 Motion to Dismiss Under F.R.C.P. 12(B)(1) and has requested a hearing date of July 28, 2008.

16 5. Nitek believes that judicial economy will be served based on the hearing of the
17 matter as early as possible since there is an identical matter pending in the United States Court of
18 Appeals, having been dismissed in the United States District in the Central District of California.

19 I respectfully request that this Court grant this motion and set the Nitek Motion to
20 Dismiss Under F.R.C.P. 12(B)(1) to be heard on July 28, 2008 at 2:00 p.m. or as soon thereafter
21 as the Court deems appropriate.

22 I declare under penalty of perjury under the laws of the United States of America that the
23 foregoing is true and correct.

24 Executed this 11 day of June, 2008 in San Francisco, California.

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Robert S. Niemann